

REMARKS

Claims 114-128 are pending in the present application. Claim 114 is in independent form. Claims 114-128 are newly-added. Claims 103-113 are cancelled. In view of the above amendments and following remarks, favorable reconsideration of the rejections is kindly requested.

Initially, Applicants appreciate the Examiner's acknowledgement of the claim of priority as a national stage 371 application on page 2 of the Action, and the indication that the references submitted in the Information Disclosure Statements filed on October 26, 2006 and November 20, 2006 have been considered.

Furthermore, Applicants note that the Examiner has not indicated whether the drawings filed on September 7, 2004 are accepted, or objected to, by the Examiner. As there is no discussion in the *Detailed Action* indicating that the drawings are objected to, Applicants will assume that the drawings are acceptable unless indicated otherwise in the next Patent Office communication.

I. **CLAIM AMENDMENTS**

By the present amendment, Applicants submit that claims 114-128 are newly-added. Support for newly-added independent claim 114 may be found at least on page 9, lines 26-31, page 11, lines 28-32, page 26, lines 1-11 and Figures 3A and 3B of the originally-published PCT application, for example.

Support for newly-added claims 115-123 may be found in claims 39, 41, 40 and 42-46, respectively, of the originally-filed PCT application, for example.

Support for newly-added claims 124-128 may be found in claims 48-52, respectively, of the originally-filed PCT application, for example, where it is clear to a person of ordinary skill in the art that the bending feature is independent of the functionality of informing and the use of indentations, holes or protrusions. Thus, the bending feature is also relevant to the use of the stationary member as described with relation to the figures, independently of whether the indentations, holes or protrusions recited in claim 116 are present or not.

Furthermore, due to the fact that the indentations have been described for two purposes: (i) for being detected, and (ii) for being introduced into the stationary member, Applicants submit that the term "further" has been used or omitted in that the present claims to focus on the indentations for introduction into the stationary member.

II. 35 U.S.C. § 112, Second Paragraph Rejection

Claims 103-113 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Namely, the Examiner states that the use of the term "or" imparts vague and indefinite language as to the scope of the claims. Applicants respectfully traverse the rejection.

By the present Amendment, Applicants submit that claims 103-113 have been cancelled. Thus, the rejection has been rendered moot.

III. Cited Art Grounds of Rejection

(A) *Claims 103, 105, 109 and 112 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Simon, U.S. Patent No. 4,660,991. Applicants respectfully traverse the rejection.*

i. Independent Claim 114

Newly-added independent claim 114 is directed to an assembly including (*inter alia*) a medical dispenser, the medical dispenser having a stationary member for introduction wherein “the stationary member prevents a blister card not having an indentation from being fully introduced into the medical dispenser and being detected by the first detector.” Applicants submit that the art cited in the rejection fails to teach, or suggest, the above features recited in independent claim 114.

Simon

Simon is directed to a device for storing and periodically signaling the time for taking drugs. Thus, Applicants submit that Simon fails to teach, or suggest, an assembly including a medical dispenser, the medical dispenser having a stationary member for introduction wherein “the stationary member prevents a blister card not having an indentation from being fully

introduced into the medical dispenser and being detected by the first detector” as recited in independent claim 114.

(B) Claims 103, 104, 106, 108 and 109-111 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Eckernäs et al. (hereinafter “Eckernäs”), U.S. Patent No. 5,072,430. Applicants respectfully traverse the rejection.

i. Independent Claim 114

Newly-added independent claim 114 is directed to an assembly including (*inter alia*) a medical dispenser, the medical dispenser having a stationary member for introduction wherein “the stationary member prevents a blister card not having an indentation from being fully introduced into the medical dispenser and being detected by the first detector.” Applicants submit that the art cited in the rejection fails to teach, or suggest, at least the above features recited in independent claim 114.

Eckernäs

The rejection states that Eckernäs discloses “[a] medication dispenser 90 for rupturable blister pack medication 91 having...patient compliance monitoring and verification, blister card indentation sensing (c5 L 11-31, does not engage with coding if no indentations).” Action, p. 3.

However, referring to col. 5, ll. 11-31, Eckernäs merely states that the device includes a light signal in the form of a signaling lamp 95 and an

acoustic signal in the form of a buzzer 94 which reminds the patient that a tablet should be taken.

Thus, Applicants submit that Eckernäs fails to teach, or suggest, an assembly including a medical dispenser, the medical dispenser having a stationary member for introduction wherein “the stationary member prevents a blister card not having an indentation from being fully introduced into the medical dispenser and being detected by the first detector” as recited in independent claim 114.

(C) Claims 107 and 112 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Eckernäs in view of Haber et al. (hereinafter “Haber”), U.S. Patent No. 5,405,011 to Haber et al. Applicants respectfully traverse the rejection.

Applicants submit that, for the reasons given above, Eckernäs fails to teach, or suggest, all of the features recited in independent claim 114.

Haber, directed to a dispenser for receiving and dispensing oral solid drugs from a blister pack, also fails to teach, or suggest, an assembly including a medical dispenser, the medical dispenser having a stationary member for introduction wherein “the stationary member prevents a blister card not having an indentation from being fully introduced into the medical dispenser and being detected by the first detector” as recited in independent claim 114. Thus, Haber fails to remedy the deficiencies of Eckernäs with respect to independent claim 114, even assuming *arguendo* that they could be combined, which is not admitted.

Thus, Applicants submit that Eckernäs in view of Haber fails to teach, or suggest, an assembly including a medical dispenser, the medical dispenser having a stationary member for introduction wherein “the stationary member prevents a blister card not having an indentation from being fully introduced into the medical dispenser and being detected by the first detector” as recited in independent claim 114.

CONCLUSION

Accordingly, in view of the above, reconsideration of the rejections and allowance of each of claims 114-128 in connection with the present application is earnestly solicited.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) hereby petition(s) for a one (1) month extension of time for filing a reply to the outstanding Office Action and submit the required \$130.00 extension fee herewith.

Should there be any matters that need to be resolved in the present application; the Examiner is respectfully requested to contact the undersigned at the telephone number below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNES, DICKEY, & PIERCE, P.L.C.

By

John A. Castellano, Reg. No. 35,094

P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

JAC/CDW:ljs